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UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

AVIVA PARTNERS LLC, Individually) No. 3:05-cv-03098-MLC-LHG
and On Behalf of All Others Similarly) (**Consolidated**)
Situated,)
Plaintiff,) CLASS ACTION
vs.) ORDER AWARDING LEAD
EXIDE TECHNOLOGIES, et al.,) PLAINTIFFS' COUNSEL'S
Defendants.) ATTORNEYS' FEES AND
EXPENSES
DATE: June 23, 2009
TIME: 10:00 a.m.
COURTROOM: The Honorable
Mary L. Cooper

This matter having come before the Court on June 23, 2009, on the application of Lead Plaintiffs' counsel for an award of attorneys' fees and expenses incurred in the Litigation, the Court, having considered all papers filed and proceedings conducted herein, having found the settlement of this action to be fair, reasonable and adequate and otherwise being fully informed in the premises and good cause appearing therefor;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. All of the capitalized terms used herein shall have the same meanings as set forth in the Stipulation of Settlement dated as of March 26, 2009 (the "Stipulation"), and filed with the Court.
2. This Court has jurisdiction over the subject matter of this application and all matters relating thereto, including all members of the Class who have not timely and validly requested exclusion.
3. The Court hereby awards Lead Plaintiffs' counsel attorneys' fees of 30% of the Settlement Fund plus expenses in the amount of \$397,994.92, together with the interest earned thereon for the same time period and at the same rate as that earned on the Settlement Fund until paid. The Court finds that the amount of fees awarded is appropriate and that the amount of fees awarded is fair and reasonable under the "percentage-of-recovery" method and when cross-checked under the lodestar/multiplier method, given the substantial risks of non-recovery, the time and effort involved and the result obtained for the Class.

4. The awarded attorneys' fees and expenses and interest earned thereon shall immediately be paid to Lead Counsel subject to the terms, conditions and obligations of the Stipulation, and in particular ¶6.2 thereof, which terms, conditions and obligations are incorporated herein.

5. The Court finds that an award of reasonable costs and expenses to Lead Plaintiffs is fair and reasonable. UNITE HERE National Retirement Fund is hereby awarded the amount of \$6,417.29 for payment of its reasonable costs and expenses spent directly to its representation of the Class. Lakeway Capital Management is hereby awarded \$12,842.00 for payment of its reasonable costs and expenses spent directly to its representation of the Class.

IT IS SO ORDERED.

DATED: June 23, 2009

Mary L. Cooper
THE HONORABLE MARY L. COOPER
UNITED STATES DISTRICT JUDGE

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